

OFFICIAL

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON & BIRD LLP**RECEIVED**
CENTRAL FAX CENTER

MAR 30 2004

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062919-862-2200
Fax: 919-862-2260**TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE**

DATE: March 30, 2004

TO: USPTO, ATTN: EXAMINER DAVID H. KRUSE**FROM:** David M. SaravitzRe: U.S. Patent Application for Plant MSH2 Sequences and Methods of Use
Application No. 10/029,065; filed December 20, 2001**NO. OF PAGES:** 3
(Including cover page)**OPERATOR:** *AE #3/03736***IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT**

USER CODE:	SARAV	FAX NUMBER:	(703) 872-9306
CLIENT/MATTER:	043960/196219		
REQUESTED BY:	Marilyn Munoz	VOICE NUMBER:	(571) 272-0799

Attorney's Docket No. 042960/196219 (5839-2)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Kipp <i>et al.</i>	Confirmation No.:	5324
Appl No.:	10/029,065	Group Art Unit:	1638
Filed:	December 20, 2001	Examiner:	David H. Kruse
For:	PLANT MSH2 SEQUENCES AND METHODS OF USE		

March 30, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated March 1, 2004, in which the Examiner has required restriction between Group I, namely Claim 1, Group II, namely Claims 2, 4-6, 9-16, and 19-37, and Group III, namely Claims 3, 7, 8, 17, and 18. The Examiner has further required a sequence election in conjunction with the elected group of claims. If Applicants elect either Group I or II, Applicants are further required to elect either SEQ ID NOs: 1 and 3 or SEQ ID NOs: 2 and 4. If Applicants elect Group III, Applicants are further required to elect one of SEQ ID NOs: 5-12.

Applicants hereby elect without traverse to prosecute the claims of Group II (Claims 2, 4-6, 9-16, and 19-37) for SEQ ID NO: 1 and nucleotide sequences encoding SEQ ID NO: 2. Applicants expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the subject matter in the remaining claims and in the non-elected sequences.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this

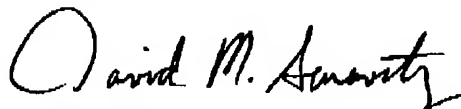
In re: Kipp *et al.*
Appl No.: 10/029,065
Filed: December 20, 2001
Page 2

OFFICIAL
RECEIVED
CENTRAL FAX CENTER

MAR 30 2004

paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for not addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

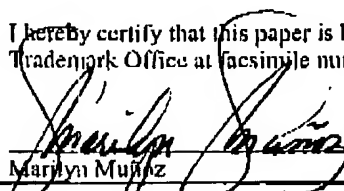


David M. Saravitz
Registration No. 55,593

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David H. Kruse at the US Patent and Trademark Office at facsimile number (703) 872-9306 on the date shown below.


Marilyn Munoz

March 30, 2004
Date